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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/626,981	07/27/2000	Douglas Melton Carper	13DV13683	2688

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EXAMINER

FERGUSON, LAWRENCE D

ART UNIT	PAPER NUMBER
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1774

DATE MAILED: 08/20/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

**Application No.**

09/626,981

**Applicant(s)**

CARPER, DOUGLAS MELTON

**Examiner**

Lawrence D Ferguson

**Art Unit**

1774

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 19 November 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-18 and 35-38 is/are pending in the application.
- 4a) Of the above claim(s) 19-34 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-18 and 35-38 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## DETAILED ACTION

### *Response to Amendment*

1. This action is in response to the amendment mailed November 19, 2003. Claim 1 was amended rendering claims 1-18 and 35-38 pending with claims 19-34 withdrawn from consideration.

### *Claim Rejections – 35 USC § 102(b)*

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1, 2, 4, 6, 8-10, 13-14, 16, 18 and 35-38 are rejected under 35 U.S.C. 102(b) as being anticipated by Parthasarathy et al. (U.S. 6,251,815) for reasons previously stated in the Office Action submitted on October 7, 2003. Regarding the newly added limitation to claim 1, comprising “a first surface, a second surface opposed to and spaced apart from the first surface, and a matrix and reinforcing fibers therebetween wherein: the article comprises a plurality of discrete regions each extending completely through the first and second surfaces and the matrix of the article therebetween.” Parthasarathy shows the hot (222) and cool regions (224) (discrete regions) comprise fibers (212,213) and matrix materials (214) therebetween in the regions (222,224) (stacks) and thus, the fiber stacks extend from a first surface to a

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second surface (completely through the first and second regions) (column 2, lines 7-20 and Figure 4).

***Claim Rejections – 35 USC § 103(a)***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 3, 5, 7, 11-12, 15 and 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Parthasarathy et al. (U.S. 6,251,815) for reasons previously stated in the Office Action submitted on October 7, 2003.

***Response to Arguments***

6. Applicant's arguments of the rejection of 35 U.S.C. 102(b) as being anticipated by Parthasarathy et al. (U.S. 6,251,815) have been considered but are unpersuasive. Applicant argues a major difference in interpretation between the teaching of the reference and the presently claimed invention is what is meant by a "region" in a fiber reinforced composite article or member and further clarifies this by amending claim 1 to include comprising "a first surface, a second surface opposed to and spaced apart from the first surface, and a matrix and reinforcing fibers therebetween wherein: the article

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comprises a plurality of discrete regions each extending completely through the first and second surfaces and the matrix of the article therebetween.”

Regarding the newly added limitation to claim 1, comprising “a first surface, a second surface opposed to and spaced apart from the first surface, and a matrix and reinforcing fibers therebetween wherein: the article comprises a plurality of discrete regions each extending completely through the first and second surfaces and the matrix of the article therebetween.” Parthasarathy shows the hot (222) and cool regions (224) (discrete regions) comprise fibers (212,213) and matrix materials (214) therebetween in the regions (222,224) (stacks) and thus, the fiber stacks extend from a first surface to a second surface (completely through the first and second regions) (column 2, lines 7-20 and Figure 4).

Applicant's arguments of the rejection of 35 U.S.C. 103(a) as being unpatentable over Parthasarathy et al. (U.S. 6,251,815) have been considered but are unpersuasive. Applicant argues the particular selection of fibers and materials for the required combinations of properties and their inclusion in structure of the reference and claimed invention are completely different. Applicant claims “a first surface, a second surface opposed to and spaced apart from the first surface, and a matrix and reinforcing fibers therebetween wherein: the article comprises a plurality of discrete regions each extending completely through the first and second surfaces and the matrix of the article therebetween.” Examiner maintains Parthasarathy shows the hot (222) and cool regions (224) (discrete regions) comprise fibers (212,213) and matrix materials (214) therebetween in the regions (222,224) (stacks) and thus, the fiber stacks extend from a

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first surface to a second surface (completely through the first and second regions) (column 2, lines 7-20 and Figure 4).

7. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

### ***Conclusion***

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Lawrence Ferguson whose telephone number is 571-272-1522. The examiner can normally be reached on Monday through Friday 9:00 AM – 5:30PM.

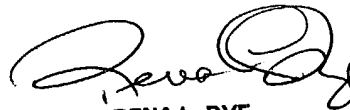
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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Rena Dye, can be reached on 571-272-3186. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Lawrence Ferguson  
Patent Examiner  
AU 1774



RENA L. DYE  
PRIMARY EXAMINER

*Supervisory* AU. 1774